

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI, SOUTHERN DIVISION**

SPANGLE THE CLOWN, formerly known as  
Ronald Poindexter,

Plaintiff,

v.

BALJINDER SINGH and LALA TRUCKING,  
INC.,

Defendants.

Cause No. \_\_\_\_\_

**NOTICE OF REMOVAL TO FEDERAL COURT**

For their Notice of Removal pursuant to 28 U.S.C. § 1332, 1441, and 1446, Defendants BALJINDER SINGH and LALA TRUCKING, INC. (“LALA Trucking”), through their attorneys, CASSIDAY SCHADE LLP, state:

**I. This Litigation Satisfies the Requirements for Diversity Jurisdiction Pursuant to 28 U.S.C. § 1332.**

1. The grounds for Defendants’ Notice of Removal is subject matter jurisdiction based on diversity of citizenship as established in 28 U.S.C. § 1332.

2. Plaintiff, SPANGLE THE CLOWN, filed a Petition for Wrongful Death in the Circuit Court of Greene County, Missouri, Case No. 2231-CC01108, on October 19, 2022 (the “State Action”). (See Petition for Wrongful Death attached hereto as Exhibit “A”).

3. Plaintiff alleges in his Petition for Wrongful Death that Defendant, Baljinder Singh, operated his tractor trailer in a negligent manner causing a motor vehicle accident and the resulting death of Decedent, Gloria Grimsley. Plaintiff further alleges that Defendant, LALA Trucking, employed Baljinder Singh at the time of the accident and that it is liable pursuant to the doctrine of *respondeat superior*. (See Exhibit “A”).

**II. Defendants Are Timely Filing Their Notice of Removal Pursuant to 28 U.S.C. § 1446.**

4. Both Defendants were served with summons and the Petition for Wrongful Death for the State Action on November 22, 2022. (*See* Summons issued to Baljinder Singh and to LALA Trucking attached as Exhibit “B”).

5. Plaintiff has demanded payment of applicable insurance policy limits in settlement of his claims against Defendants in this case, provided that they exceed \$750,000.00, plus court costs.

6. Therefore, the amount in controversy exceeds \$75,000.00.

7. At the time this action was commenced, and since then, Plaintiff has been a citizen of Greene County, Missouri. (*See* Exhibit “A,” p. 1).

8. Baljinder Singh is an individual who was a citizen of the State of California at the time this action was commenced, and has remained so since then. (*See* Declaration of Baljinder Singh, attached as Exhibit “C”).

9. LALA Trucking is a corporation that was incorporated in the State of California with its principal place of business in California at the time this action was commenced, and has remained so since then. (*See* Declaration of Varinder Singh, attached as Exhibit “D”).

10. Therefore, complete diversity of citizenship exists among the Parties.

11. Based on the foregoing, this court has subject matter jurisdiction over Plaintiff’s claims pursuant to 28 U.S.C.A. § 1332(a) because this is a civil action in which the amount in controversy exceeds \$75,000.00, and all parties are citizens of different states.

12. As required by 28 U.S.C. 1446(d), Defendants will promptly serve upon Plaintiff’s counsel, and file with the Clerk of the Circuit Court of Greene County, a true and correct copy of the Notice of Removal.

13. By removing this action, Defendants do not waive any defenses available to them.

14. In the unlikely event that any question arises as to the propriety of the removal of this action, Defendants request the opportunity to present a brief and oral argument in support of its position that this case is removable.

15. This Notice is signed in compliance with Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendants, BALJINDER SINGH and LALA TRUCKING, INC., pray that this Honorable Court retain jurisdiction of this matter pursuant to 28 U.S.C. 1332, 1441 and 1446.

Respectfully submitted,

BALJINDER SINGH and LALA TRUCKING, LLC

By: /s/ Timothy P. Dugan

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via the court's electronic filing system on December 20, 2022. Under penalties as provided by law, I certify that the statements set forth herein are true and correct:

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/s/ Timothy P. Dugan